

REMARKS

The office action of June 27, 2008, has been carefully considered.

It is noted that claims 1-6 are rejected under 35 U.S.C. 102(b) over EP 0045658.

Claim 7 is allowed.

In view of the Examiner's object to and rejection of the claims, applicant has amended claim 1 and canceled claim 2.

It is respectfully submitted that the claims presently on file differ essentially and in an unobvious, highly advantageous manner from the constructions disclosed in the reference.

Turning now to the reference, it can be seen that EP '658 discloses a method for monitoring the operation of a gas inlet orifice below the surface of a liquid under the action of positive gas pressure. EP '658 has a transducer for measuring pressure, but there is no disclosure of a restrictor that is movable between an open position for unimpeded gas supply and a closed position for

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interrupted gas supply at a frequency greater than 5 Hz, as in the presently claimed invention. As presently written, claim 1 recites structural limitation of the restrictor, not simply a manner or method of use.

In view of these considerations it is respectfully submitted that the rejection of claims 1-6 under 35 U.S.C. 102(b) over the above-discussed reference is overcome and should be withdrawn.

Reconsideration and allowance of the present application are respectfully requested.

Any additional fees or charges required at this time in connection with this application may be charged to Patent and Trademark Office Deposit Account No. 11-1835.

Respectfully submitted,

By



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CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, PO Box 1450 Alexandria, VA 22313-1450, on September 29, 2008.

By:

A handwritten signature in black ink, appearing to read "Klaus P. Stoffel".

Date: September 29, 2008